

DOCKET NO: HENN0013UPCT-US

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Frank Puttkammer

APPLICATION NUMBER: 09/485,750

CONFIRMATION NO: 2165

GROUP: 2876

EXAMINER: Walsh D.

FILED: February 14, 2000

TITLE: Security Element Structure for Documents, Devices for Controlling Documents Comprising Such Security Elements, and Method for Using Said Security Elements

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

37 CFR 1.137 PETITION TO REVIVE DUE TO UNINTENTIONAL ABANDONMENT

Sir: Enclosed please find applicant's 37 CFR 1.137 Petition to Revive Due to Unintentional Abandonment

I. Relief Requested

That applicant requests that this application be revived due to an unintentional abandonment.

II. Statement of Material Facts

On 12/8/2005, I filed in this application a revocation and new power, specification of correspondence address identifying my firm's address, and written request for status.

On 2/2/2006, I filed a petition to revive, an amendment, and a submission of formal drawings.

On 3/9/2006, I filed in this application a mass power of attorney and specification correspondence of address identifying my firm's address.

On 3/17/2006, the USPTO mailed to my office a decision in this application on the petition filed 2/2/2006, granting the petition.

On 3/24/2006, I filed in this application a "Response to Requirement in Decision Granting Petition to Revive Under 37 CFR 1.37 Due to Unintentional Abandonment".

On 7/28/2006, I filed in this application a recordation form cover sheet and assignment of application.

On 8/18/2006, the USPTO mailed to my office in this application a "Notice of Recordation of Assignment Document".

On 12/8/2006, I filed in this application a proof of ownership by the assignee, a revocation and new power of attorney, a specification of correspondence address identifying my firm's address, and written request for status.

On 12/13/2006, I filed in this application a proof of ownership by the assignee, a revocation and new power of attorney, specification of correspondence address identifying my firm's address, and written request for status.

On 12/21/2006 the USPTO mailed to my firm's address a notice of acceptance of power of attorney.

On 12/21/2006 the USPTO mailed to my firm's address a "notice regarding change of a power of attorney". This notice listed the addressee as "Law Offices of Karl Hormann".

On 12/21/2006, Examiner Daniel Walsh sent a 9 page facsimile to my firm including pages

numbered 2-4 of what appear to be part of an "Office Action Summary" page for an office action in this application. The facsimile does not include a page of the office action listing a USPTO "mail date". That facsimile was subsequent to a telephone call from Examiner Walsh on the same day in which he inquired of me status of this application. A copy of that facsimile is ATTACHMENT 1 to this petition.

On 1/5/2007, the USPTO mailed in this application, and to my firm's address, a "Notice of Abandonment". The notice indicates that the abandonment is in view of "Applicant's failure to timely file a proper reply to the Office letter mailed on 31 May 2006." and because of

7. The reasons below[:]

Item 7 - Other reasons for holding abandonment: Examiner Walsh contacted Richard Neifeld who is listed as an attorney fo record (2-2-06). Examiner Walsh noted that the revocation of the power of attorney to Karl Hormann was not acceptable because the statement under 37 CFR 3.73(b) did not include necessary information (e.g., reel and frame number), as per the decision mailed to Mr. Neifeld (mail date 3-16-06). That decision was mailed to Mr. Neifeld and indicated that future actions would still be mailed to Mr. Hormann. As Mr. Neifeld did not provide the reel and frame number [sic; number], he was not [sic; did not have] the power of attorney. Accordingly, no response was received or sent by Mr. Neifeld within the 6 months after the mailing of the Office Action (5-31-06). Accordingly, the application is abandoned. Daniel Walsh, Primary Examiner.

This application is not available on public PAIR. As of this date (1-12-2007), it is not available to me on attorney PAIR.

Mr. Hormann did not send me a copy of the paper dated 31 May 2006 that the USPTO purports to have mailed to Mr. Hormann.

Many other applications assigned to WHD have been unintentionally abandoned by Mr. Hormann. WHD, the assignee of these applications, hired my firm to correct this problem. I have petitioned to revive, and had those petitions granted, in a majority of the improperly abandoned WHD

patent applications. Mr. Hormann has generally alleged that he had no record of receiving many of the papers the USPTO allegedly sent to him in those applications. I had filed a notification with OED regarding Mr. Hormann's activities in the WHD cases; I do not know the current status of OED investigation or action.

The abandonment of this application for failure to file a response to the paper dated 31 May 2006 was unintentional on my part and on WHD's part.

This petition is accompanied by a response to the outstanding office action, and the fee for the petition.

III. **Statement Why the Relief Requested Should be Granted**

The facts of continued filings in this application show that the assignee, WHD, had no intention of abandoning this application. That fact that I did not timely receive a copy of the office action explains why no response was timely filed. The application went abandoned because I was not made aware of the existence of an office action mailed 31 May 2006.

I am now reviewing the office action on the merits, and will draft and file a response to the office action with this petition, as is required for this petition to be granted.

1/12/2007
Date

Respectfully submitted
/RichardNeifeld#35,299/
Richard Neifeld
Registration No: 35,299
Attorney of record

RAN

January 12, 2007 (2:36pm)

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